

Theresa Rice

From: Roz Lassoﬀ on behalf of Council
Sent: Wednesday, June 20, 2012 4:55 PM
To: Theresa Rice
Subject: FW: SMP Commentary

Roz Lassoﬀ
Rosalind D. Lassoﬀ, City Clerk
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110
(206) 780-8624

From: Elizabeth Dailey [<mailto:bizdailey1@gmail.com>] **On Behalf Of** Elizabeth Dailey
Sent: Wednesday, June 20, 2012 4:31 PM
To: Council
Subject: SMP Commentary

June 20, 2012

Dear Council members,

I've long been an environmental advocate and have worked on behalf of many environmental and conservation issues on the west coast. And so I am befuddled by the apparent use of unproven science and the questionable rational behind many of the provisions in the draft Shoreline Management Plan (SMP). For the moment I will focus on two issues in particular: Nonconforming uses and vegetation buffers.

Nonconforming Uses

To propose declaring a large percentage of waterfront homes as nonconforming is a betrayal of the covenants islanders make with local city government when they purchase property. A nonconforming designation would undermine property values, negatively impact the city's property tax revenue and homeowners' ability to obtain permission to get bulkheads to protect their properties, make modest improvements, and likely initiate a slew of lawsuits that will eat up city focus and funds for years to come. I oppose the language in the draft SMP and propose the document adopt a statement that declares **all existing legally constructed homes, appurtenant structures, and normal residential uses, including lawns, landscaping and recreation areas, are authorized and conforming as to setbacks, buffers, and side yards; area, bulk, height or density requirements and may be remodeled, rebuilt, and expanded, provided that any new additional impact must be mitigated and meet the "No Net Loss" standard and other provisions of the SMP.** This statement is in alignment with RCW 90.58.100 (6) that states that shoreline modification is to be expected, that a balance is required between private property rights and ecological protection and that single-family residences with their appurtenant structures is the first of the State's priority uses for our shorelines.

As Council members you are elected to represent the will of the voters and make the best decisions for our community as a whole. Often, they are going to be tough decisions. To approve nonconforming provisions as currently stated in the draft SMP is a failure to meet those duties. The

city's draft SMP goes far beyond the recommendations of the DOE, and the potential downside to homeowners and the city is real and imminent. So why would staff even propose such draconian measures? An obvious answer is that the lengthy, convoluted and often contradictory draft SMP document is intended to increase the power and staffing of the planning department rather than the health of the marine or land environment. City staff is supposed to advise our elected officials, not dictate policy. And you, our city officials, are elected to ensure that the voices of "we the people" are heard and acted upon so that the goals and ambitions of empire builders within the city do not ride roughshod over the citizenry.

Vegetation Buffers

The myriad, contradictory and overlapping vegetation provisions including setbacks and buffers is yet another example of overzealous planning. WAC 173-26-186 (8) (B) (i) states that local master plans shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline. The language of the law is "no net loss." The law does not require or ask for increased setbacks and buffers. Why then would the draft SMP? More empire building. I oppose it.

If the city is truly interested in protecting the marine and land environment perhaps they would consider banning the use of pesticides island-wide. This is a straight-forward approach that will impact all islanders equally and not require a behemoth city department to implement. Additionally, the science behind such a move is indisputable.

Thank you for your time.

Best regards,

Elizabeth Dailey Allen
1055 Winslow Way East
Bainbridge Island, WA 98110
P: 206-780-8042
Email: Biz@DaileyCompany.com